

**United States District and Bankruptcy Court
For the District of Idaho**

**FEDERAL RULES OF CIVIL PROCEDURE
SUMMARY OF NEW RULES EFFECTIVE DECEMBER 1, 2002¹**

Rule 7.1. Disclosure Statement

Requires a nongovernmental corporate party to file two copies of a statement that identifies any parent corporation and any publically held corporation that owns 10% or more of its stock, or state that there is no such corporation.

A party must file the statement with its first appearance, pleading, motion or response. A party must file a supplemental statement upon any change in the information.

Rule 54. Judgments; Costs

Subdivision (d)(2)(C) is amended to delete the requirement that judgment on a motion for attorney fees be set forth in a separate document. This change complements the amendment of Rule 58(a)(1), which deletes the separate document requirement for an order disposing of a motion for attorney fees under Rule 54. These changes are made to support amendment of Rule 4 of the Federal Rules of Appellate Procedure.

The requirement in subdivision (d)(2)(B) that a motion for attorney fees be not only filed but also served no later than 14 days after entry of judgment is changed to require filing only, to establish a parallel with Rules 50, 52, and 59. Service continues to be required under Rule 5(a).

Rule 58. Entry of Judgment

Requires that every judgment and amended judgment be set forth on a separate document, but a separate document is not required for an order disposing of a motion: (1) for judgment under Rule 50(b); (2) to amend or make additional findings of fact under Rule 52(b); (3) for attorney fees under Rule 54; (4) for a new trial, or (5) to alter or amend the judgment, under Rule 59; or (6) for relief under Rule 60.

Unless the court orders otherwise, the clerk must promptly prepare, sign and enter judgment when: (1) jury returns a general verdict; (2) the court awards only costs or a sum certain; or (3) the court denies all relief.

The court must approve the form of judgment when the jury returns a special verdict or a general verdict accompanied by interrogatories or the court grants other relief not described in Rule 58(a)(2).

¹Summarized from material from the Administrative Office of the U.S. Courts. See full text for all amendments.

Rule 58, Entry of Judgment. (b) Time of Entry

Rule 58(b) replaces the definition of effectiveness with a new provision that defines the time when judgment is entered. If judgment is promptly set forth on a separate document, as should be done when required by Rule 58(a)(1), the new provision will not change the effect of Rule 58. But in the cases in which court and clerk fail to comply with this simple requirement, the motion time periods set by Rules 50, 52, 54, 59, and 60 begin to run after expiration of 150 days from entry of the judgment in the civil docket as required by Rule 79(a).

Judgment is entered under these rules (1) if Rule 58(a)(1) does not require separate document, when it is entered in the civil docket under Rule 79(a); and (2) if Rule 58(a)(1) requires a separate document, when it is entered in the civil docket under Rule 79(a) and when the earlier of these events occurs: (A) when it is set forth on a separate document or (B) when 150 days have run from entry in the civil docket under Rule 79(a)

Rule 58, Entry of Judgment. (d) Request for Entry

A party may request that judgment be set forth on a separate document as required by Rule 58(a)(1).

New Rule 58(d) replaces the provision that attorneys shall not submit forms of judgment except on direction of the court. The new provision allowing any party to move for entry of judgment on a separate document will protect all needs for prompt commencement of the periods for motions, appeals, and execution or other enforcement.

Rule 81(a): Rules Governing Habeas Corpus

This amendment brings Rule 81(a)(2) into accord with the rules governing § 2254 and § 2255 proceedings. Rule 81 also directs that the writ be directed to the person having custody of the person detained. Similar directions exist in the § 2254 and § 2255 rules, providing additional detail for applicants subject to future custody. There is no need for partial duplication in Rule 81.

The provision that the civil rules apply to the extent that practice is not set forth in the § 2254 and § 2255 rules dovetails with the provisions in Rule 11 of the § 2254 rules and Rule 12 of the § 2255 rules.

Admiralty Rules Rule C. In Rem Actions: Special Provisions

Rule C(3) is amended to reflect the provisions of 18 U.S.C. § 985, enacted by the Civil Asset Forfeiture Reform Act of 2000, 114 Stat. 202, 214-215. Section 985 provides, subject to enumerated exceptions, that real property that is the subject of a civil forfeiture action is not to be seized until an order of forfeiture is entered. A civil forfeiture action is initiated by filing a complaint, posting notice, and serving notice on the property owner. The summons and arrest procedure is no longer appropriate.

Rule C(6)(a)(i)(A) is amended to adopt the provision enacted by 18 U.S.C. § 983(a)(4)(A), shortly before Rule C(6)(a)(i)(A) took effect, that sets the time for filing a verified statement as 30 days rather than 20 days, and that sets the first alternative event for measuring the 30 days as the date of service of the Government's complaint.

Rule C(6)(a)(iii) is amended to give notice of the provision enacted by 18 U.S.C. § 983(a)(4)(B) that requires that the answer in a forfeiture proceeding be filed within 20 days. Without this notice, unwary litigants might rely on the provision of Rule 5(d) that allows a reasonable time for filing after service.

Rule C(6)(b)(iv) is amended to change the requirement that an answer be filed within 20 days to a requirement that it be served within 20 days. Service is the ordinary requirement, as in Rule 12(a). Rule 5(d) requires filing within a reasonable time after service.